



General Assembly

January Session, 2011

Amendment

LCO No. 5415

HB0528305415HD0

Offered by:

REP. MEGNA, 97th Dist.

SEN. CRISCO, 17th Dist.

To: House Bill No. 5283

File No. 230

Cal. No. 141

"AN ACT CONCERNING AUTOMOTIVE GLASS WORK AND REPAIRS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 38a-354 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 (a) No [automobile] motor vehicle physical damage appraiser shall
6 require that appraisals or repairs should or should not be made in a
7 specified facility or motor vehicle repair shop or shops.

8 (b) No insurance company doing business in this state, or agent or
9 adjuster for such company shall (1) require any insured to use a
10 specific person for the provision of [automobile] motor vehicle
11 physical damage repairs, [automobile glass replacement, glass repair
12 service or glass products,] or (2) state that choosing a facility other than
13 a motor vehicle repair shop participating in a motor vehicle repair

14 program established by such company will result in delays in
15 repairing the motor vehicle or a lack of guarantee for repair work.

16 (c) Any appraisal or estimate for a motor vehicle physical damage
17 claim written on behalf of an insurer shall include the following notice,
18 printed in not less than ten-point boldface type:

19 NOTICE:

20 YOU HAVE THE RIGHT TO CHOOSE THE LICENSED REPAIR
21 SHOP WHERE THE DAMAGE TO YOUR MOTOR VEHICLE WILL
22 BE REPAIRED.

23 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) No insurance company
24 doing business in this state, or agent or adjuster for such company
25 shall:

26 (1) (A) Require any insured to use a specific person for the provision
27 of motor vehicle glass replacement, motor vehicle glass repair service
28 or motor vehicle glass products, or (B) state that choosing a facility
29 other than a motor vehicle repair shop participating in a motor vehicle
30 repair program established by such company will result in delays in
31 replacing or repairing the insured's motor vehicle glass or a lack of
32 guarantee for such replacement or repair work;

33 (2) Refer or route any insured directly or indirectly to a third-party
34 adjuster or third-party claims administrator for claims or questions
35 regarding motor vehicle glass replacement, motor vehicle glass repair
36 service or motor vehicle glass products without requiring the insured
37 to contact directly the insured's insurance company first by telephone,
38 facsimile or electronic means. Such company shall inform such insured
39 that the insured has the right to choose the licensed automotive glass
40 work contractor, as defined in section 20-330 of the general statutes,
41 who will replace or repair the insured's motor vehicle glass or the
42 facility or motor vehicle repair shop where the insured's motor vehicle
43 glass will be replaced or repaired;

44 (3) State the name of any automotive glass work contractor, facility
 45 or motor vehicle repair shop, third-party claims administrator or
 46 automotive glass company prior to asking the insured if such insured
 47 would like to use a particular automotive glass work contractor,
 48 facility or motor vehicle repair shop or automotive glass company for
 49 the insured's motor vehicle glass replacement, motor vehicle glass
 50 repair service or motor vehicle glass product, as applicable;

51 (4) Require an inspection of the insured's motor vehicle glass by any
 52 person affiliated with an automotive glass company;

53 (5) Impose any advantage or penalty for motor vehicle glass
 54 replacement, motor vehicle glass repair service or motor vehicle glass
 55 products that could affect an insured's choice of an automotive glass
 56 work contractor, facility or motor vehicle repair shop or automotive
 57 glass company, including, but not limited to, (A) lowering or waiving
 58 the insured's deductible under the insured's policy, and (B) providing
 59 or offering to provide information to the insured about a particular
 60 automotive glass work contractor, facility or motor vehicle repair shop
 61 or automotive glass company regarding quality of workmanship,
 62 warranties, guarantees or possibility of additional costs or savings to
 63 the insured; or

64 (6) Impose an additional fee on the insured or an automotive glass
 65 work contractor, facility or motor vehicle repair shop for the handling
 66 or processing of a motor vehicle glass replacement or motor vehicle
 67 glass repair claim.

68 (b) The acts of a third-party adjuster or third-party claims
 69 administrator shall be considered to be the acts of the insurance
 70 company on whose behalf such adjuster or administrator is acting."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	38a-354
Sec. 2	October 1, 2011	New section

